

ESTTA Tracking number: **ESTTA568519**Filing date: **11/01/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212654
Party	Defendant Balle, Eyal
Correspondence Address	Susan L. Heller GREENBERG TRAURIG, LLP 1840 Century Park East, Suite 1900 Los Angeles, CA 90067-2121 latm2@gtlaw.com
Submission	Answer and Counterclaim
Filer's Name	Candice E. Kim
Filer's e-mail	latm2@gtlaw.com
Signature	/cek/
Date	11/01/2013
Attachments	Answer and Counterclaim.pdf(194893 bytes) Rebels Exhibits.pdf(1261074 bytes)

Registrations Subject to the filing

Registration No	3573666	Registration date	02/10/2009
Registrant	JEAN MICHEL CAZABAT INTERNATIONAL LIMITED 263 MAIN STREET TORTOLA, VGX VGX		

Goods/Services Subject to the filing

Class 025. First Use: 2008/12/02 First Use In Commerce: 2008/12/02
All goods and services in the class are requested, namely: WOMEN'S FOOTWEAR, NAMELY, DRESS SHOES, PUMPS, SLIPPERS, SANDALS, BOOTS; MEN'S FOOTWEAR, NAMELY, DRESS SHOES, LOAFERS, SLIPPERS, SANDALS AND BOOTS

Registration No	3909956	Registration date	01/25/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	Jean Michel Cazabat International Limited 263 Main Street, Road Town Tortola, VGX VGX		

Goods/Services Subject to the filing

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are requested, namely: Women's footwear, namely, dress shoes, pumps, slippers, sandals, boots; men's footwear, namely, dress shoes, loafers, slippers, sandals and boots

Registration No	3909957	Registration date	01/25/2011
International	NONE	International	NONE

Registration No.		Registration Date	
Registrant	Jean Michel Cazabat International Limited 263 Main Street, Road Town Tortola, VGX VGX		

Goods/Services Subject to the filing

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are requested, namely: Women's footwear, namely, dress shoes, pumps, slippers, sandals, boots; men's footwear, namely, dress shoes, loafers, slippers, sandals and boots

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEAN MICHEL CAZABAT INTERNATIONAL
LTD., an international business company,

Opposer/Respondent,

vs.

EYAL BALLE, an individual,

Applicant/Petitioner.

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Opposition No. 91/212,654

ANSWER AND COUNTERCLAIM

Applicant EYAL BALLE (the “Applicant” or “Petitioner”) hereby answers the Notice of Opposition (the “Notice”), filed September 25, 2013, of Opposer JEAN MICHEL CAZABAT INTERNATIONAL LTD. (the “Opposer” or “Respondent”) as follows:

1. Admitted.

2. Denied.

3. Admitted.

4. Admitted.

5. Denied.

6. Denied.

7. Admitted that a registration for the mark LUXURY REBEL issued on February 10, 2009 under Reg. No. 3,573,666. As Applicant is without sufficient knowledge or information to form a belief as to the remaining allegations contained in Paragraph 7 of the Notice, Applicant denies the same.

8. Admitted that registrations for the marks LUXURY REBEL and Design were issued under Reg. Nos. 3,909,956 and 3,909,957. As Applicant is without sufficient knowledge or information to form a belief as to the remaining allegations contained in Paragraph 8 of the Notice, Applicant denies the same.

9. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 9 of the Notice and therefore denies the same.

10. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 10 of the Notice and therefore denies the same.

11. Denied.

12. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 12 of the Notice and therefore denies the same.

13. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 13 of the Notice and therefore denies the same.

14. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 14 of the Notice and therefore denies the same.

15. Admitted that Opposer's Marks and Applicant's Mark are confusingly similar and are used in connection with goods that are the same or similar.

16. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 16 of the Notice and therefore denies the same.

17. Applicant is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 17 of the Notice and therefore denies the same.

18. Admitted that confusion is likely to result from the concurrent use of Opposer's Marks and Applicant's Mark. As Applicant is without sufficient knowledge or information to form a belief as to the remaining allegations contained in Paragraph 18 of the Notice, Applicant denies the same.

19. Admitted that Applicant would obtain at least a *prima facie* exclusive right to use its REBELS mark if granted registration. As Applicant is without sufficient knowledge or information to form a belief as to the remaining allegations contained in Paragraph 19 of the Notice, Applicant denies the same.

Applicant denies that Opposer is entitled to any relief, including the relief sought in the WHEREFORE clause of its Notice.

AFFIRMATIVE DEFENSES

20. Opposer's Opposition is barred because it fails to allege facts sufficient to state a claim against Applicant. Specifically, Applicant has superior rights over Opposer.

21. Opposer's Opposition is barred because Opposer has used its REBELS mark in commerce without abandonment since at least as early as October 1, 1993, which dates back prior to any date on which the Opposer can rely, including its filing date of November 9, 2007 and first use date of December 2, 2008. Accordingly, Applicant has prior rights over Opposer.

COUNTERCLAIM

Pursuant to 37 CFR § 2.106(b)(2)(i), Petitioner believes that it is or will be damaged by the continued registration of the marks that are the subject of Reg. Nos. 3,573,666, 3,909,956, and 3,909,957, and hereby petitions to cancel the same. As grounds for cancellation, Petitioner asserts as follows:

22. Petitioner is a national wholesaler and provider of footwear under the REBELS mark. Since at least as early as October 1, 1993, Petitioner has exclusively and continuously used the mark REBELS in connection with its footwear.

23. Petitioner previously owned a registration for the mark REBELS (Reg. No. 1,966,107) covering "clothing, namely footwear" in Class 25. This application was filed November 22, 1993 based on use in commerce since at least as early as October 1, 1993, and later matured to registration on April 9, 1996. This registration was inadvertently canceled on January 11, 2003 when, unbeknownst to Petitioner, Petitioner's prior counsel failed to file the requisite Section 8 declaration in order to maintain the registration.

24. Notwithstanding the cancelation of the previous REBELS registration, Petitioner, at all times since October 1, 1993, exclusively and continuously used the REBELS mark in commerce in connection with footwear. Accordingly, regardless of its canceled registration, Petitioner owns common law rights in the REBELS mark, which dates back prior to any date on which the Respondent can rely.

25. In addition, Petitioner currently owns pending application Ser. No. 77/783,154 for the REBELS mark covering “footwear” in Class 25. A copy of Petitioner’s application and TSDR status report is attached as Exhibit A, and is made part of the record in these proceedings.

26. Since its establishment over twenty years ago, and continuously through to the present without abandonment, Petitioner has advertised, promoted, marketed, offered, and sold its goods in commerce under the REBELS mark, establishing valuable common law rights in the mark.

27. According to the records available at the U.S. Patent and Trademark Office, Respondent maintains Reg. Nos. 3,573,666, 3,909,956, and 3,909,957, all covering “women’s footwear, namely, dress shoes, pumps, slippers, sandals, boots; men’s footwear, namely, dress shoes, loafers, slippers, sandals and boots” in Class 25 (collectively, the “Respondent’s Registrations”). Copies of the registration certificates and TSDR status reports for Respondent’s Registrations are attached as Exhibit B, and are made part of the record in these proceedings.

28. Reg. No. 3,573,666 for the standard character mark LUXURY REBEL was filed on November 9, 2007 with an asserted date of first use of December 2, 2008, and therefore November 9, 2007 (constructive first use date) is the earliest date upon which Respondent can rely.

29. Reg. No. 3,909,956 for the LUXURY REBEL and Design mark was filed on December 17, 2009 with a priority date of November 3, 2009, which is the earliest date upon which Respondent can rely.

30. Reg. No. 3,909,957 for the LUXURY REBEL and Design mark was filed on December 17, 2009 with a priority date of November 3, 2009, which is the earliest date upon which Respondent can rely.

31. Petitioner’s earlier date of October 1, 1993 clearly precedes any date, including the date of November 9, 2007, which is the earliest date on which Respondent can rely. Undoubtedly, Petitioner has priority over Respondent.

32. Respondent’s LUXURY REBEL marks are highly similar to Applicant’s REBELS mark. In particular, Respondent’s LUXURY REBEL marks (the “Respondent’s Marks”) merely add the
LA 131127517v2

descriptive and laudatory term LUXURY to Petitioner's REBELS mark without the "S" for LUXURY REBEL and covers identical goods, namely, footwear in Class 25. Respondent has admitted that there is a likelihood of confusion between Petitioner's REBELS mark and Respondent's LUXURY REBEL marks. *See* Notice at ¶¶ 15, 16, 17, and 18.

33. As Petitioner was the first to use the REBELS mark in connection with footwear in commerce, continuously since at least as early as October 1, 1993, consumers are likely to believe that identical goods offered under Respondent's LUXURY REBEL marks emanate from Petitioner, or is otherwise sponsored by or affiliated with Petitioner, causing consumer confusion in the marketplace as to Respondent's association with Petitioner.

34. Upon information and belief, the goods identified in Respondent's Registrations are offered to the same, substantially similar, and/or overlapping classes of consumers as those to which Petitioner offers.

35. Upon information and belief, the goods identified in Respondent's Registrations would be offered through the same, substantially similar, and/or overlapping channels of trade as those through which Petitioner offers its goods.

36. Petitioner believes and asserts that the continued registration of the marks contained in Respondent's Registrations for goods identified therein has caused and will continue to cause damage to Petitioner. Moreover, Petitioner's legal use of its mark will be severely impaired by the continued registration of Reg. Nos. 3,573,666, 3,909,956, and 3,909,957.

* * * *

WHEREFORE, Applicant/Petitioner contends that the Notice of Opposition is without grounds and requests judgment denying the Notice of Opposition and prays that U.S. Registration Nos. 3,573,666, 3,909,956, and 3,909,957 be cancelled and that this counterclaim for Petition to Cancel be sustained in favor of Applicant/Petitioner.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: November 1, 2013

By: 

Susan L. Heller
Candice E. Kim
1840 Century Park East, Suite 1900
Los Angeles, California 90067
Tel: (310) 586-6568
Fax: (310) 586-0568
LATM2@gtlaw.com

Attorneys for Applicant/Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **ANSWER AND COUNTERCLAIM** upon Opposer/Respondent by depositing one copy thereof in the U.S. Mail, First-Class, postage prepaid, on November 1, 2013, addressed as follows:

Alan M. Sack
Fox Rothschild LLP
P.O. Box 5231
Princeton, NJ 08543-5231



EXHIBIT A

Generated on: This page was generated by TSDR on 2013-10-31 12:44:31 EDT

Mark: REBELS

REBELS

US Serial Number: 77783154

Application Filing Date: Jul. 16, 2009

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 25, 2013

Publication Date: May 28, 2013

Mark Information

Mark Literal Elements: REBELS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 15, 1993

Use in Commerce: Oct. 01, 1993

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Balle, Eyal

Owner Address: 14918 S. Figueroa Street
c/o Rebels
Gardena, CALIFORNIA 90248
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan L. Heller

Docket Number: 134124-01010

Attorney Primary Email Address: latm2@gtlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN L. HELLER
GREENBERG TRAURIG, LLP
1840 CENTURY PARK EAST, SUITE 1900
LOS ANGELES 90067-2121

Phone: (310) 586-7700

Fax: (310) 586-7800

Correspondent e-mail: latm2@gtlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 25, 2013	OPPOSITION INSTITUTED NO. 999999	212654
Jun. 24, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 28, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 28, 2013	PUBLISHED FOR OPPOSITION	
May 08, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 23, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Apr. 18, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 05, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 05, 2012	LIE CHECKED SUSP - TO ATTY FOR ACTION	73296
May 05, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 01, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 05, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Nov. 05, 2011	LETTER OF SUSPENSION E-MAILED	6332
Nov. 05, 2011	SUSPENSION LETTER WRITTEN	82417
Oct. 03, 2011	AMENDMENT FROM APPLICANT ENTERED	73296
Oct. 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Sep. 27, 2011	FAX RECEIVED	
Jul. 08, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 08, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 08, 2011	LETTER OF SUSPENSION MAILED	
Jul. 08, 2011	SUSPENSION LETTER WRITTEN	82417
Jul. 07, 2011	AMENDMENT FROM APPLICANT ENTERED	73296
Jul. 07, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Jun. 20, 2011	PAPER RECEIVED	
Dec. 15, 2010	NON-FINAL ACTION MAILED	
Dec. 15, 2010	NON-FINAL ACTION WRITTEN	82417
Dec. 15, 2010	NON-FINAL ACTION WRITTEN	82417
Nov. 08, 2010	ASSIGNED TO EXAMINER	82417
Oct. 29, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	73296
Apr. 26, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73296
Apr. 26, 2010	ASSIGNED TO LIE	73296
Oct. 26, 2009	LETTER OF SUSPENSION MAILED	
Oct. 23, 2009	SUSPENSION LETTER WRITTEN	85329
Oct. 16, 2009	ASSIGNED TO EXAMINER	85329
Jul. 31, 2009	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	69350
Jul. 30, 2009	ASSIGNED TO LIE	69350
Jul. 27, 2009	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jul. 21, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 20, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CORWIN, KEVIN SCOTT

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 23, 2013

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91212654](#)

Filing Date: Sep 25, 2013

Status: Pending

Status Date: Sep 25, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Balle, Eyal

Correspondent Address: Susan L. Heller
GREENBERG TRAURIG, LLP
1840 Century Park East, Suite 1900
Los Angeles CA , 90067-2121

Correspondent e-mail: latm2@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REBELS	Opposition Pending	77783154	

Plaintiff(s)

Name: Jean Michel Cazabat International Limited

Correspondent Address: Alan M. Sack
Fox Rothschild LLP
P.O. Box 5231
Princeton NJ , 08543-5231
UNITED STATES

Correspondent e-mail: ipdocket@foxrothschild.com , amsack@foxrothschild.com , lbudow@foxrothschild.com , lkarczewski@foxrothschild.com , dmcgregor@foxrothschild.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXURY REBEL	Registered	77325434	3573666
LUXURY REBEL	Registered	77895402	3909956
LUXURY REBEL	Registered	77895435	3909957

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2013	Nov 04, 2013
3	PENDING, INSTITUTED	Sep 25, 2013	

Type of Proceeding: Extension of Time

Proceeding Number: [77783154](#)

Filing Date: Jun 24, 2013

Status: Terminated

Status Date: Sep 25, 2013

Interlocutory Attorney:

Defendant

Name: Balle, Eyal

Correspondent Address: Susan L. Heller
GREENBERG TRAURIG, LLP
1840 Century Park East, Suite 1900
Los Angeles CA , 90067-2121

Associated marks

Mark	Application Status	Serial Number	Registration Number
REBELS	Opposition Pending	77783154	

Potential Opposer(s)

Name: Jean Michel Cazabat International Limited

Correspondent Address: Leonard N Budow
Fox Rothschild LLP
100 Park Avenue 15th Floor
New York NY, 10017
UNITED STATES

Correspondent e-mail: lpdocket@foxrothschild.com, lbudow@foxrothschild.com, colszyk@foxrothschild.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 24, 2013	
2	EXTENSION OF TIME GRANTED	Jun 24, 2013	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 24, 2013	
4	EXTENSION OF TIME GRANTED	Jul 24, 2013	

Type of Proceeding: Cancellation

Proceeding Number: [92054178](#)

Filing Date: Jun 20, 2011

Status: Terminated

Status Date: Nov 30, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant	
Name: Bostex PLC	
Correspondent Address: TERESA C TUCKER GROSSMAN TUCKER PERREAULT & PFLEGER PLLC 55 SOUTH COMMERCIAL STREET MANCHESTER NH, 03101 UNITED STATES	
Correspondent e-mail: ttucker@gtpp.com	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SOLE REBELS	Registered	77753032	3760329
Plaintiff(s)			

Name: Eyal Balle

Correspondent Address: SUSAN L HELLER ESQ
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA CA, 90404
UNITED STATES

Correspondent e-mail: hellers@gtlaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
REBELS	Opposition Pending	77783154	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 29, 2011	Aug 08, 2011
3	PENDING, INSTITUTED	Jun 29, 2011	
4	APPEARANCE	Jul 08, 2011	
5	BOARD'S ORDER	Jul 14, 2011	
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jul 26, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Jul 26, 2011	
8	STIPULATION FOR AN EXTENSION OF TIME	Aug 02, 2011	
9	EXTENSION OF TIME GRANTED	Aug 02, 2011	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 25, 2011	
11	EXTENSION OF TIME GRANTED	Aug 25, 2011	
12	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Sep 30, 2011	
13	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 05, 2011	

14	WITHDRAWAL OF PETITION FOR CANCELLATION	Nov 22, 2011
15	BOARD'S DECISION: DISMISSED W/O PREJ	Nov 30, 2011
16	TERMINATED	Nov 30, 2011

EXHIBIT B

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,573,666

Registered Feb. 10, 2009

**TRADEMARK
PRINCIPAL REGISTER**

LUXURY REBEL

JEAN MICHEL CAZABAT (FRANCE INDIVIDUAL)
115 WOOSTER ST APT 4F
NEW YORK, NY 10012

FOR: WOMEN'S FOOTWEAR, NAMELY, DRESS SHOES, PUMPS, SLIPPERS, SANDALS, BOOTS; MEN'S FOOTWEAR, NAMELY, DRESS SHOES, LOAFERS, SLIPPERS, SANDALS AND BOOTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-2-2008; IN COMMERCE 12-2-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-325,434, FILED 11-9-2007.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

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Mark: LUXURY REBEL

LUXURY REBEL

US Serial Number: 77325434

Application Filing Date: Nov. 09, 2007

US Registration Number: 3573666

Registration Date: Feb. 10, 2009

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 10, 2009

Publication Date: Apr. 01, 2008

Notice of Allowance Date: Jun. 24, 2008

Mark Information

Mark Literal Elements: LUXURY REBEL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WOMEN'S FOOTWEAR, NAMELY, DRESS SHOES, PUMPS, SLIPPERS, SANDALS, BOOTS; MEN'S FOOTWEAR, NAMELY, DRESS SHOES, LOAFERS, SLIPPERS, SANDALS AND BOOTS

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 02, 2008

Use in Commerce: Dec. 02, 2008

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: JEAN MICHEL CAZABAT INTERNATIONAL LIMITED

Owner Address: 263 MAIN STREET
ROAD TOWN
TORTOLA
VIRGIN ISLANDS, BRITISH

Legal Entity Type: INTERNATIONAL BUSINESS COMPANY

**State or Country Where
Organized:** VIRGIN ISLANDS, BRITISH

Attorney/Correspondence Information

Attorney of Record

Attorney Name: LIEONARD N BUDOW

**Attorney Primary Email
Address:** len@budowlaw.com

**Attorney Email
Authorized:** No

Correspondent

Correspondent Leonard N. Budow

Name/Address: Phillips Nizer LLP
666 Fifth Avenue
29th Floor
New York, NEW YORK 10103-0084
UNITED STATES

Phone: 212-841-0741

Fax: 212 2625152

Correspondent e-mail: lbudow@phillipsnizer.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 18, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 18, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 11, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 10, 2009	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	76985
Jan. 06, 2009	ASSIGNED TO LIE	76985
Jan. 02, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 18, 2008	STATEMENT OF USE PROCESSING COMPLETE	69302
Dec. 04, 2008	USE AMENDMENT FILED	69302
Dec. 18, 2008	EXTENSION 1 GRANTED	69302
Dec. 04, 2008	EXTENSION 1 FILED	69302
Dec. 18, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Dec. 04, 2008	TEAS EXTENSION RECEIVED	
Dec. 04, 2008	TEAS STATEMENT OF USE RECEIVED	
Jun. 24, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 01, 2008	PUBLISHED FOR OPPOSITION	
Mar. 12, 2008	NOTICE OF PUBLICATION	
Feb. 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68602
Feb. 28, 2008	ASSIGNED TO LIE	68602
Feb. 26, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 25, 2008	ASSIGNED TO EXAMINER	74288
Nov. 14, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 06, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Jean Michel Cazabat

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4093/0299](#)

Pages: 7

Date Recorded: Nov. 09, 2009

Supporting Documents: [assignment-tm-4093-0299.pdf](#)

Assignor

Name: [CAZABAT, JEAN MICHEL, MR.](#)

Execution Date: Oct. 21, 2009

Legal Entity Type: INDIVIDUAL

Citizenship: FRANCE

Assignee

Name: [JEAN MICHEL CAZABAT INTERNATIONAL LIMITED](#)

Legal Entity Type: INTERNATIONAL BUSINESS COMPANY

State or Country Where Organized: VIRGIN ISLANDS, BRITISH

Address: 263 MAIN STREET
ROAD TOWN
TORTOLA, VIRGIN ISLANDS, BRITISH

Correspondent

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Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91212654](#)

Filing Date: Sep 25, 2013

Status: Pending

Status Date: Sep 25, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Balle, Eyal

Correspondent Address: Susan L. Heller
GREENBERG TRAURIG, LLP
1840 Century Park East, Suite 1900
Los Angeles CA , 90067-2121

Correspondent e-mail: latm2@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REBELS	Opposition Pending	77783154	

Plaintiff(s)

Name: Jean Michel Cazabat International Limited

Correspondent Address: Alan M. Sack
Fox Rothschild LLP
P.O. Box 5231
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Correspondent e-mail: ipdocket@foxrothschild.com , amsack@foxrothschild.com , lbudow@foxrothschild.com , lkarczewski@foxrothschild.com , dmcgregor@foxrothschild.com

Associated marks

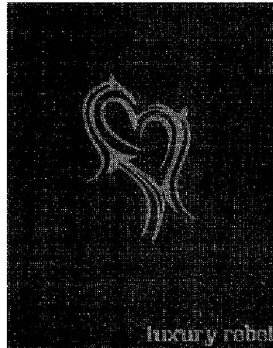
Mark	Application Status	Serial Number	Registration Number
LUXURY REBEL	Registered	77325434	3573666
LUXURY REBEL	Registered	77895402	3909956
LUXURY REBEL	Registered	77895435	3909957

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2013	Nov 04, 2013
3	PENDING, INSTITUTED	Sep 25, 2013	

United States of America

United States Patent and Trademark Office



Reg. No. 3,909,956

Registered Jan. 25, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

JEAN MICHEL CAZABAT INTERNATIONAL LIMITED (BR. VIRGIN ISLANDS CORPORATION)
263 MAIN STREET, ROAD TOWN
TORTOLA, BR. VIRGIN ISLANDS

FOR: WOMEN'S FOOTWEAR, NAMELY, DRESS SHOES, PUMPS, SLIPPERS, SANDALS, BOOTS; MEN'S FOOTWEAR, NAMELY, DRESS SHOES, LOAFERS, SLIPPERS, SANDALS AND BOOTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON HONG KONG APPLICATION NO. 301464462, FILED 11-3-2009, REG. NO. 301464462, DATED 8-23-2010, EXPIRES 8-23-2020.

OWNER OF U.S. REG. NO. 3,573,666.

THE MARK CONSISTS OF THE WORDING "LUXURY REBEL" AND A STYLIZED HEART TATTOO.

SER. NO. 77-895,402, FILED 12-17-2009.

KEVON CHISOLM, EXAMINING ATTORNEY

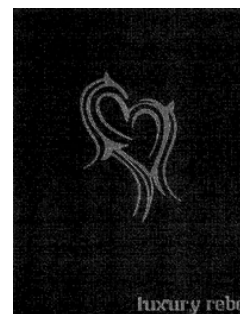


David J. Kyfos

Director of the United States Patent and Trademark Office

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Mark: LUXURY REBEL



US Serial Number: 77895402

Application Filing Date: Dec. 17, 2009

US Registration Number: 3909956

Registration Date: Jan. 25, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 25, 2011

Publication Date: Nov. 09, 2010

Mark Information

Mark Literal Elements: LUXURY REBEL

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the wording "LUXURY REBEL" and a stylized heart tattoo.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 02.11.13 - Hearts used as backgrounds or carriers
25.03.05 - Backgrounds covered with dots; Dotted backgrounds
26.11.21 - Rectangles that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3573666

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 301464462

Foreign Application Filing Date: Nov. 03, 2009

Foreign Registration Number: 301464462

Foreign Registration Date: Aug. 23, 2010

Foreign Application/Registration Country: HONG KONG

Foreign Expiration Date: Aug. 23, 2020

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Women's footwear, namely, dress shoes, pumps, slippers, sandals, boots; men's footwear, namely, dress shoes, loafers, slippers, sandals and boots

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Jean Michel Cazabat International Limited

Owner Address: 263 Main Street, Road Town
Tortola
VIRGIN ISLANDS, BRITISH

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGIN ISLANDS, BRITISH

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Leonard N. Budow

Docket Number: 84004.0003

Attorney Primary Email Address: lbudow@phillipsnizer.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Leonard Budow
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UNITED STATES

Phone: (212) 878-7902

Fax: (609) 896-1469

Correspondent e-mail: ipdocket@foxrothschild.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 26, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 25, 2011	REGISTERED-PRINCIPAL REGISTER	
Nov. 09, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 09, 2010	PUBLISHED FOR OPPOSITION	
Oct. 07, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Oct. 05, 2010	ASSIGNED TO LIE	76568
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Mar. 23, 2010	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 23, 2010	LETTER OF SUSPENSION E-MAILED	6332
Mar. 23, 2010	SUSPENSION LETTER WRITTEN	76502
Mar. 18, 2010	ASSIGNED TO EXAMINER	76502
Dec. 24, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 23, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 21, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91212654](#)

Filing Date: Sep 25, 2013

Status: Pending

Status Date: Sep 25, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Balle, Eyal

Correspondent Address: Susan L. Heller
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1840 Century Park East, Suite 1900
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Correspondent e-mail: latm2@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REBELS	Opposition Pending	77783154	

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Name: Jean Michel Cazabat International Limited

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Mark	Application Status	Serial Number	Registration Number
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LUXURY REBEL	Registered	77895402	3909956
LUXURY REBEL	Registered	77895435	3909957

Prosecution History

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1	FILED AND FEE	Sep 25, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2013	Nov 04, 2013
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United States of America

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Reg. No. 3,909,957

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PRIORITY CLAIMED UNDER SEC. 44(D) ON HONG KONG APPLICATION NO. 301464471, FILED 11-3-2009, REG. NO. 301464471, DATED 8-23-2010, EXPIRES 8-23-2020.

OWNER OF U.S. REG. NO. 3,573,666.

THE MARK CONSISTS OF THE WORDING "LUXURY REBEL" AND A STYLIZED HEART TATTOO.

SER. NO. 77-895,435, FILED 12-17-2009.

KEVON CHISOLM, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

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Mark: LUXURY REBEL



US Serial Number: 77895435
US Registration Number: 3909957
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 25, 2011
Publication Date: Nov. 09, 2010

Application Filing Date: Dec. 17, 2009
Registration Date: Jan. 25, 2011

Mark Information

Mark Literal Elements: LUXURY REBEL
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the wording "LUXURY REBEL" and a stylized heart tattoo.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 02.11.13 - Hearts used as backgrounds or carriers
26.11.21 - Rectangles that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3573666

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 301464471
Foreign Application Filing Date: Nov. 03, 2009
Foreign Registration Number: 301464471
Foreign Registration Date: Aug. 23, 2010
Foreign Application/Registration Country: HONG KONG
Foreign Expiration Date: Aug. 23, 2020

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

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For: Women's footwear, namely, dress shoes, pumps, slippers, sandals, boots; men's footwear, namely, dress shoes, loafers, slippers, sandals and boots

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Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Jean Michel Cazabat International Limited

Owner Address: 263 Main Street, Road Town
Tortola
VIRGIN ISLANDS, BRITISH

Legal Entity Type: CORPORATION

State or Country Where
Organized: VIRGIN ISLANDS, BRITISH

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Leonard N. Budow

Docket Number: 84004.0003

Attorney Primary Email
Address: lbudow@phillipsnizer.com

Attorney Email
Authorized: No

Correspondent

Correspondent
Name/Address: Leonard Budow
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Princeton, NEW JERSEY 08543-5231
UNITED STATES

Phone: (212) 878-7902

Fax: (609) 896-1469

Correspondent e-mail: ipdocket@foxrothschild.com

Correspondent e-mail
Authorized: Yes

Domestic Representative - Not Found

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TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 25, 2011

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: OppositionProceeding Number: [91212654](#)

Filing Date: Sep 25, 2013

Status: Pending

Status Date: Sep 25, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Balle, Eyal

Correspondent Address: Susan L. Heller
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1840 Century Park East, Suite 1900
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Correspondent e-mail: latm2@gtlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REBELS	Opposition Pending	77783154	

Plaintiff(s)

Name: Jean Michel Cazabat International Limited

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